

REMARKS

This Amendment responds to the Advisory Action mailed April 24, 2009, and is submitted for consideration with the Amendment filed March 30, 2009. Claims 58, 61-63, and 73 were pending in the application after the March 30 Amendment, and claims 61, 62, and 73 were withdrawn in view of a restriction requirement. Claims 58, 61, 62, and 73 have been amended and new claims 75-78 have been added by this amendment. Applicants respectfully request early and favourable consideration of the pending claims in view of the Amendment filed March 30, 2009, and the following remarks.

Amendments to the Claims

Claim 58 has been amended to recite that the distal catheter portion includes a distal tip, and to change "aperture" to "opening." Withdrawn claims 61, 62, and 73 have been amended to be consistent with the amended language of claim 58. Support for these amendments can be found in the Application with reference to FIGS. 13A and 13B, for example. Accordingly, no new matter is added by these amendments.

New Claims

Claims 75-78 have been added and each depends from independent claim 58. New claim 75 further recites that the anchor is slidable adjustably coupled to the tensile member. Claim 76 recites that the gutter catheter further includes at least a second anchor disposed within the lumen and supported on said anchor delivery structure, the

second anchor being movable through the opening to engage the tissue of the heart at a distance spaced from the first anchor when the anchor delivery structure is moved to the second position. New claim 77 recites that the second anchor is slidably adjustably coupled to the tensile member. New claim 78 recites that the gutter catheter further includes a locking element coupled to the tensile member for movement relative to the anchor. Support for new claims 75-78 can be found with reference to the Application at page 25, line 25, through page 26, line 23, and FIG. 13A. Accordingly, no new matter is added by new claims 75-78.

Applicants further assert that new claims 75-78 are in condition for allowance at least by virtue of their dependency from claim 58, which is allowable for the reasons set forth in the amendment filed March 30, 2009. Moreover, the references of record fail to teach or suggest the combinations of features further set forth in claims 75-78. Early and favorable indication of allowance is respectfully requested.

Conclusion

In view of the foregoing amendments to the claims and the remarks set forth herein, Applicants believe this case is in condition for allowance and respectfully request early and favorable examination of the pending claims. If the Examiner believes any matter requires further discussion, the Examiner is respectfully asked to telephone the undersigned attorney so that the issue may be promptly resolved. The Examiner's prompt attention to this matter is appreciated.

Application No. 10/689,872
Reply to Office Action dated January 28, 2009
Amendment dated May 28, 2009

Applicants do not believe that any fees are due in connection with this communication other than \$65 for a one-month extension of time, and \$405 for the Request for Continued Examination filed herewith. However, if any fees are necessary to complete this communication, the Commissioner may consider this to be a request for such and charge any necessary fees to Deposit Account No. 23-3000.

Respectfully submitted,

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